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REGULAR MEETING
CITY COUNCIL
APRIL 3, 2003

ROLL CALL:

MR. WOJCIK, MR. FOY, MR. JUDGE, MR. DORAN, MRS. WELCOME, MRS. COLLIER, MR. LaPOSTA, MR. ARMET, PRESIDENT TUTUNJIAN

PUBLIC FORUM: List of Speakers on file

ORDINANCE NO. 2

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN & COLLIER

SECONDED BY: COUNCIL MEMBER LAPOSTA

**ORDINANCE AUTHORIZING THE CITY TO RECEIVE FUNDS FROM THE NEW ENGLAND
INTERSTATE WATER POLLUTION CONTROL COMMISSION FOR DEVELOPMENT OF A LONG
TERM CONTROL PLAN FOR COMBINED SEWER OVERFLOWS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Mayor, on behalf of the City of Troy, is herein authorized to execute a grant agreement with New England Interstate Water Pollution Control Commission for development of a long-term control plan for combined sewer overflows within the City of Troy.

Section 2. A capital project account is hereby established and funds are herein transferred into said account to support the development of the long term plan for combined sewer overflows within the City of Troy, as provided in Schedule A entitled

“NEIWPCC Grant for Long Term Combined Sewer Overflow Plan”

Section 3. The Mayor is herein authorized and directed to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to carry out the project referred to herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the project, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made.

Section 4. This act will take effect immediately.

Approved as to form, March 12, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 2 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 3

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN & FOY

MOTION TO AMEND: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER JUDGE

MOTION TO AMEND PASSED AYES 7 NOES 2 (Noes: Doran/Welcome)

**AMENDED ORDINANCE AUTHORIZING THE CITY TO RECEIVE FUNDS FROM THE STATE OF
NEW YORK OFFICE OF GENERAL SERVICES FOR A PARKING AND BUILDING ASSESSMENT
PROJECT**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Mayor, on behalf of the City of Troy, is herein authorized to execute a grant agreement with the State of New York to receive \$100,000 for a parking and building assessment project associated with attracting new state offices to Troy.

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Section 2. A capital project account is hereby established and funds are herein transferred into said account to support the Parking and Building Assessment Project, as provided in Schedule A entitled.

“NYS Office of General Services
Parking and Building Assessment Project”

Section 3. The Mayor is herein authorized and directed to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to carry out the project referred to herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the project, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made and after City Council approval.

Section 4. This act will take effect immediately.

Approved as to form, April 7, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 3 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 4

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN & FOY

SECONDED BY: COUNCIL MEMBER LAPOSTA

**ORDINANCE AMENDING THE SPECIAL GRANT FUND FOR THE RPI SOUTH CAMPUS PROJECT
REVIEW**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City’s Special Grant Fund budget for the RPI South Campus Project review is hereby amended as provided in Schedule “A” entitled:

“Special Revenue Grant Fund
RPI South Campus Project Review
Budget Amendment”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, March 13, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 4 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 6

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO LACORTE
COMPANIES, INC. FOR CITY OWNED PROPERTY (Depot Road)**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Pursuant to Section 5.51 of the Troy City Charter the City Council herein determines that the strip of land known as Depot Road is no longer needed for City purposes.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute a quitclaim deed to Lacorte Companies, Inc. for the property known as Depot Road for a purchase price of \$100.

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Section 3. This Act shall take effect immediately.

Approved as to form, March 14, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 6 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 7

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN & ARMET

SECONDED BY: COUNCIL MEMBER WELCOME

ORDINANCE AMENDING THE 2003 CITY BUDGET TO SUPPORT FIRE BUREAU EXPENSES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City’s 2003 General Fund Budget is hereby amended to provide for the transfer of funds as provided in Schedule “A” entitled:

“2003 General Fund Transfer
Public Safety – Fire Bureau”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, March 13, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 7 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 1

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing April 4, 2003 through April 3, 2005

Colleen Hastings
Don Roberts
Frank Salvaggio
Pasquale J. Casale
Daniel J. Doran
Chris Murray
Donald Dunham
James W. Cramer
Kevin Reilly
Marsha Dimke
Carol McDonald
Thomas Fennell
Jane S. Cox
Gregory Cholakis
Joe Connors
James Gray
Jason Kippen
Jim Klein

4 Hialeah Drive
48 Kinloch Avenue
3008 Tibbits Avenue
2211 Tibbits Avenue
1903 Burdett Avenue
115 Hoosick Street
55 Euclid Avenue
86 Thompson Street
272 Stow Avenue
14 Munro Court
402 Second Street
530 Sixth Avenue
47 Pointview Drive
514 Grand Street
25 Stratton Circle
84 Oakwood Avenue
18 – 24th Street
736 Third Avenue

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Robin LeBrake	1 Grace Court
Richard Lewis	507 Grand Street
Ray Quinn	27 Locust Avenue
George Reischuck	2001 Tibbits Avenue
Jason Schofield	2107 Burdett Avenue
Caroline Wilcox	9 Chelton Avenue
Mark Wojcik	3 – 113 th Street
Thomas Casey	82 Fonda Avenue
Francis A. LaPosta	5 Stratton Circle
Andrew F. LaPosta	5 Stratton Circle
Vincent Jimino	300 Sixth Avenue
Kathleen Jimino	300 Sixth Avenue
Michael Sullivan	362 Seventh Avenue
Ronald F. Foley	2709 Fifteenth Street
Thomas Daniels	225 Eleventh Street
R. Bryan Franke	39 Ballina Street
Theresa J. Franke	39 Ballina Street
Deborah J. Gagliardi	117 Colleen Rd., Apt. #7
Anthony J. Renna	102 Sherman Avenue
Anthony J. DeFiglio	511 Fourth Street

Approved as to form, March 24, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 1 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 2

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

**RESOLUTION REQUESTING THAT TROY'S STATE LEGISLATIVE REPRESENTATIVES
INTRODUCE HOME RULE BILLS AUTHORIZING THE CITY TO PLEDGE FUNDS TO FULFILL
ITS OBLIGATIONS FOR FINANCIAL ASSURANCES RELATED TO MAINTAINING THE CLOSED
LANDFILL**

WHEREAS, the City of Troy is required by 6 NYCRR Part 360 to provide financial assurances acceptable to the Department of Environmental Conservation that sufficient City funds will be available in a timely manner for the City to fulfill its obligations for post-closure care of the City landfill; and

WHEREAS, 6 NYCRR Section 360-2.19(10) provides that the City may fulfill its financial assurances obligation by assuring that the necessary funds will be available from State sources to cover the requirements; and

WHEREAS, the Troy Municipal Assistance Corporation's intercept of City funds from New York State sales tax and from New York State aid to local governments would be used to enable the City to comply with 6 NYCRR Section 360-2.19(10) and would not require the City to absorb any additional costs;

NOW THEREFORE, IT IS HEREIN RESOLVED, that the City Council for the City of Troy request that its State Legislators introduce a bill in the New York State Senate and New York State Assembly amending the New York State Public Authorities Law Section 3057 to add a new subdivision to read as follows:

(6) at the written direction of the city, the corporation may pledge all or part of the monies payable to the city pursuant to subdivision (8) of section three thousand ten to the Commissioner for the New York State Department of Environmental Conservation to secure obligations of the city related to post closure care and potential corrective measures of the city's landfill.

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Approved as to form, January 14, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 2 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 3 – TABLED

RESOLUTION NO. 4

INTRODUCED BY: COUNCIL MEMBER ARMET

SECONDED BY: COUNCIL MEMBER WELCOME

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RENSSELAER
COUNTY WITH RESPECT TO THE RENSSELAER COUNTY STOP – DWI PROGRAM**

Whereas, the City of Troy and the County of Rensselaer want to extend for one year the contract between them that is about to expire; and

Whereas, it is in the City's interest to renew said contract; Now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute an agreement with the County of Rensselaer with respect to the Rensselaer County STOP-DWI Program, in substantially the form of the attached.

Approved as to form, March 11, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 4 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 5

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

SAMPLE RESOLUTION BY MUNICIPALITY (Locally Administered Project) RESOLUTION NUMBER 5

**Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State
“Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.**

WHEREAS, a Project for the Reconstruction of Route 2, 11th Street to Pawling Avenue, P.I.N. 1753.39 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW Incidentals.

NOW, THEREFORE, the City Council, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$310,000.00 (Three hundred ten thousand dollars and no cents) has already been appropriated pursuant to Ordinance No. 8 adopted by the Troy City Council on May 7, 1998 and made available to cover the cost of participation in the above phase of the Project; and it is further

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RESOLVED, that an additional sum of \$194,000.00 (one hundred ninety four thousand dollars and no cents) is hereby appropriated from H1998-362 (or, appropriated pursuant to _____) and made available to cover the additional cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

Approved as to form, March 14, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 5 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 6

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

**RESOLUTION DESIGNATING THE REGISTRATION AND POLLING PLACES FOR EACH
ELECTION DISTRICT IN THE CITY OF TROY**

BE IT RESOLVED, that the registration and polling places for each election district in the City of Troy for the 2003 election cycle, in accordance with the Election Law, or relative thereto, are hereby designated in the Schedule annexed hereto and made a part hereof.

Approved as to form, March 18, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 6 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 7

INTRODUCED BY: COUNCIL MEMBER TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**RESOLUTION EXPRESSING SUPPORT FOR OUR TROOPS AND PRESIDENT GEORGE W. BUSH
IN THE UNDERTAKING OF OPERATION OF IRAQI FREEDOM**

WHEREAS, Troops from various branches of military services of the United States of America under the leadership of President George W. Bush in his role as Commander in Chief of the military forces of this country are currently engaged overseas in Operation Iraqi Freedom; and

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WHEREAS, The objective of Operation Iraqi Freedom is to liberate the people of Iraq from the tyrannical regime of Saddam Hussein, a regime that has murdered and repressed innocent Iraqi citizens and citizens of the region for generations; and

WHEREAS, Thousands of American citizens serving in the military are taking part in Operation Iraqi Freedom, including a number of persons with direct ties to Troy, a city with a rich tradition of military service in the defense of freedom; and

WHEREAS, It is the collective sense of the Troy City Council that the actions of Operation Iraqi Freedom are deserving of support and the efforts and courage of the American troops and President George W. Bush are also deserving of support and recognition; now, therefore, be it

RESOLVED, That the Troy City Council does hereby issue a statement of support of President George W. Bush and American troops engaged in Operation Iraqi Freedom, wishes success and a safe and speedy return to those Americans engaged in the operation; be it, further,

RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the President of the United States and representatives of the City of Troy in the U.S. House of Representatives and the U.S. Senate.

Approved as to form, April 3, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 7 PASSED – UNANIMOUS

To Mayor, 4/8/03 for Executive Action – Approved, Returned 4/23/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION